

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 7, 10-17, 19, and 20 have been canceled, and claims 1, 2, and 4 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-6, 8, 9, and 18 are pending and under consideration. Reconsideration is respectfully requested.

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because it is believed that the amendment of claims 1, 2, and 4 puts this application into condition for allowance as suggested by the Examiner.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

ALLOWABLE SUBJECT MATTER

In the outstanding Final Office Action at pages 3-4, the Examiner acknowledged that claims 1-6, 8, 9, and 18 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. §112, first paragraph, set forth in the Office Action. Applicant respectfully submits that, as discussed below, the claims have been amended to overcome this rejection.

REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

In the Final Office Action at page 2, claims 1-6, 8, 9, and 18 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. This rejection is traversed and reconsideration is respectfully requested.

As claims 1, 2, and 4 have been amended to clarify that the position adjusting member is movable within the plane of the base member, as suggested by the Examiner, Applicants respectfully request that the rejection of claims 1-6, 8, 9 and 18 be withdrawn. Applicants respectfully submit that claims 1-6, 8, 9, and 18 are now in condition for allowance.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

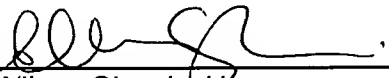
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 7 November 2005

By: 
Allison Olenginski
Registration No. 55,509

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501